

### **REMARKS/ARGUMENTS**

The Office Action mailed June 5, 2006 has been received and reviewed. Each of claims 1-38 stands rejected. No claim amendments have been made herein. Reconsideration of the present application in view of the following remarks is respectfully requested.

#### **Administrative Matter**

It is stated in the Office Action Summary that the subject Office Action is responsive to a communication filed on February 1, 2004. Please note that Applicant did not submit a communication on the indicated date. Rather, Applicant believes the Office Action to be responsive to the communication filed on January 2, 2004, the filing date of the subject application.

#### **Rejections based on 35 U.S.C. § 102(b)**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1-38 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,682,728 to Debusk et al. (hereinafter the “Debusk reference”). As the Debusk reference fails to describe, either expressly or inherently, each and every element as set forth in the rejected claims, Applicant respectfully traverses this rejection, as hereinafter set forth.

Independent claim 1 recites a system for automatically fulfilling orders for clinical supplies. The system of claim 1 comprises an interface to a supply chain engine, the supply chain engine *automatically generating* at least one order for clinically related supplies based upon supply consumption data documented for at least one clinical event reported from at least one clinically related site; and a fulfillment engine communicating with the interface to the supply chain engine, the fulfillment engine triggering delivery of clinically related supplies based at least upon the at least one order for clinically related supplies.

The Debusk reference, on the other hand, discloses a method for selecting and delivering medical supplies to health-care institutions. *See, Debusk reference* at col. 2, lines 12–14. The method includes a nested multi-level system in which the smallest elements of unitization (“units”) are combined into supply bundles, at least one supply bundle from each of two remote locations being packaged together in a single container. *See id.* at col. 2, lines 29–64. A single “bill of materials” is associated with the container such that the units or bundles being packaged at each location appear thereon. *See id.* at 49–53. While the “bill of materials” may be utilized to identify those items and quantities that are to be ordered for a given container, it is respectfully submitted that the Debusk reference does not disclose *automatically generating* such an order by a supply chain engine, as recited in independent claim 1. Rather, the Debusk reference discloses that a “bill of materials” is generated by an “entity” utilizing information available in “its” database. *Id.* at col. 4, lines 56–65. Such information may include historical data from which a “hospital” may determine appropriate quantities for ordering from various manufacturers and/or suppliers. *Id.* at col. 5, lines 58–67. However, there is no disclosure of automatic order generation by a supply chain engine, as recited in independent claim 1. In fact, the Debusk reference is void of any disclosure of automatic order generation at all.

As the Debusk reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 1, it is respectfully submitted that the Debusk reference fails to anticipate this claim. Accordingly, withdrawal of the 35 U.S.C. § 102 rejection of claim 1 is respectfully requested. Claim 1 is believed to be in condition for allowance and such favorable action is respectfully requested.

Independent claim 15 recites a method for automatically fulfilling orders for clinically related supplies. The method of claim 15 comprises *automatically generating* at least one order for clinically related supplies based upon supply consumption data documented for at least one clinical event from at least one clinically related site; and triggering delivery of clinically related supplies based at least upon the at least one order for clinically related supplies.

As previously set forth with respect to claim 1, the Debusk reference is void of any disclosure of automatic order generation. Accordingly, it is respectfully submitted that the Debusk reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 15 and, accordingly, fails to anticipate this claim. As such, withdrawal of the 35 U.S.C. § 102 rejection of claim 15 is respectfully requested. Claim 15 is believed to be in condition for allowance and such favorable action is respectfully requested.

Independent claim 27 recites a set of clinically related supplies generated for delivery. The set of clinically related supplies recited in claim 27 is generated by a method comprising *automatically generating* at least one order for clinically related supplies based upon supply consumption data documented for at least one clinical event from at least one clinically related site; and triggering delivery of clinically related supplies based at least upon the at least one order for clinically related supplies.

As previously set forth with respect to claim 1, the Debusk reference is void of any disclosure of automatic order generation. Accordingly, it is respectfully submitted that the Debusk reference fails to describe, either expressly or inherently, each and every element as set forth in independent claim 27 and, accordingly, fails to anticipate this claim. As such, withdrawal of the 35 U.S.C. § 102 rejection of claim 27 is respectfully requested. Claim 27 is believed to be in condition for allowance and such favorable action is respectfully requested.

Dependent claims 2-14, 16-26, and 28-38 further define novel features of the claimed embodiments and each depends, either directly or indirectly, from one of independent claims 1, 15 and 27. Accordingly, for at least the reasons set forth above with respect to independent claims 1, 15 and 27, dependent claims 2-14, 16-26, and 28-38 are believed to be in condition for allowance by virtue of their dependency and such favorable action is respectfully requested. Withdrawal of the 35 U.S.C. § 102(b) rejection of dependent claims 2-14, 16-26, and 28-38 is respectfully requested.

### **CONCLUSION**

For the reasons stated above, claims 1-38 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of these claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

A Request for Two-Month Extension Time and the corresponding fee of \$450.00 are submitted herewith. It is believed that no additional fee is due in conjunction with the present communication. However, if this belief is in error, the Commissioner is hereby authorized to charge any additional amount required to Deposit Account No. 19-2112, referencing attorney docket number CRNI.111423.

Respectfully submitted,

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